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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,137	06/07/2001	Carlo Dall'Aglio	M1885.0022/P022-B	8044

24998 7590 05/01/2008
DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

EXAMINER

GIBSON, RANDY W

ART UNIT	PAPER NUMBER
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2841

MAIL DATE	DELIVERY MODE
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05/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09875137	6/7/01	DALL'AGLIO ET AL.	M1885.0022/P022-B

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EXAMINER

Randy W.. Gibson

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2841	20080428

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Commissioner for Patents

Applicant has sent in an IDS (PTO-1449) that was received in the PTO mailroom on 5 March 2008. Applicant claims that this IDS is proper because it was submitted "...more than three months after the filing date, but before the first office action on the merits...". However, PTO records show that applicant received his first action on the merits (an action noting a deficient claim for priority) on 28 January 2008 -- almost two (2) months prior. Furthermore, the application was filed more than six (6) years ago, making this delay in filing an IDS seemingly unexplainable. Therefore the IDS filed 5 March 2008 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. The PTO-1449 has been placed in the application file, but the information noted thereon has not been considered.

However, the PTO-1449 filed on 1 June 2001 is proper and has been considered.

All the pending claims (i.e., claims 25-41) are allowable. Prosecution has been closed. This application has been forwarded to the Board of Patent Appeals and Interferences on 20 March 2008 for a possible interference proceeding.

Attachments: 3 pages of initialed, signed and dated PTO/SB/08A/Bs filed 6/7/01
3 pages of initialed, signed and dated PTO/SB/08A/Bs filed 3/5/08

/Randy W. Gibson/
Primary Examiner, Art Unit 2841